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EXAMINER

VU, NGOC K

ART UNIT

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2623

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08/23/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/837,128

Applicant(s)

ANDERSON ET AL.

Examiner

Ngoc K. Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-66 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-66 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>6/27/07</u> . | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

1. Applicant's arguments filed 5/14/2007 with respect to claims 18-66 have been considered but are moot in view of the new ground(s) of rejection.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 18, 21, 25, 36 and 49 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 19, 23, 26, 31 and 32 of copending Application No. 10/630,069. Although the conflicting claims are not identical, they are not patentably distinct from each other because copending application claims 26, 31, and 32 include the additional limitations of "memory component...", "optics system...", and "the operator operating in a plurality of modes..." corresponding to application claims 18 and 36. Therefore, application claims 18 and 36 are broader than copending application claims 26, 31, and 32 and are therefore obvious over copending application claims 26, 31, and 32.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 36, 50-60, 64 and 66 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 36 recites the limitation "said plurality of sources" in lines 7-8. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 18-32, 34-38, 40-48, 50, 51, 53-59, and 61-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koehler et al. (US 20010042105 A1) in view of Bearden, III et al. (US 6,347,301 B1).

Regarding claim 18, Koehler discloses a portable handheld device (42), the device comprising a receiver (within 42) being configured to receive video content transmitted to the receiver, said video content being provided at a plurality of cameras located at said event (e.g., car views from cameras in cars 12-18 - see 0015, 0027), signal processing logic (within 42, e.g., microprocessor) configured for selectable operation by a user to select video content from at least one of said plurality of cameras (e.g., selecting car views from cars 12-18 - see 0015,

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0027); and a display being configured to display video content from at least one of said plurality of cameras selected by the user (see 0015, 0027).

With respect to claims 24, 43, 44 and further regarding claim 18, Koehler does not teach that the device is a wireless device for wirelessly receiving data. However, Bearden teaches using a handheld device 20 that receives data wirelessly, e.g., radio or infrared connection, to present data to viewer. It is noted that using this device can be used at an event, e.g., sporting event or conference, while the viewer watching the event or attending the event. See col. 2, lines 50-54; col. 3, lines 61-64; col. 4, lines 33-35 and 44-47; col. 5, lines 16-36. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device 42 of Koehler by wirelessly receiving data while at the event and where the event is occurring, thereby permitting the viewer to carry the device about the event and choose where to view the data selected by user while roaming at the event during the event as taught by Bearden in order to provide convenience to the viewer for carrying and using the device as desired.

Regarding **claims 19-20 and 45**, Koehler teaches that device 42 receives video data from TV feed 67 or from TV feed 67 (see FIG. 1). Koehler further teaches that a user interface configured to allow the viewer to select video content for display by the display. See 0015 and 0027. The combination of Koehler and Bearden fails to teach video content originating at another event remote from the event that the user is attending live. Official Notice is taken that providing video content originating at another event remote from the event that the viewer is attending live such as news from television broadcaster is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Koehler and Bearden by providing video content originating at another event remote from the event that the viewer

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is attending live such as news from television broadcaster in order to enhance the system by providing different programs to viewer for viewing selectively.

Regarding **claim 21**, the combination of Koehler and Bearden further teaches that the receiver wirelessly receives audio signals associated with the event, and further comprising a portable user interface configured to allow the user to select audio content from one of the sources (a user can select to listen communications between the driver and pit crew, wherein the audio signals are received from a plurality of audio sources – see Koehler: abstract, 0016, 0020).

Regarding **claim 22**, the combination of Koehler and Bearden further teaches that the receiver wirelessly receives a plurality of video signals defining said video content from the cameras at the event that the user is attending live (see Koehler: 0027 and 0012). Koehler and Bearden do not teach receiving video signals from a plurality of cameras at another remote event. Official Notice is taken that providing video signals via a plurality of cameras at a remote event such as another sporting event or news is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combined system of Koehler and Bearden by providing video signals from a plurality of cameras at another remote event such as another sporting event or news in order to provide different video content for enhancing distribution system.

Regarding **claim 23**, the combination of Koehler and Bearden further teaches a portable user interface configured to allow the user to select for simultaneous outputting audio content from a plurality of sources, and wherein the audio content from one source is output at an increased amplitude relative to the audio content from another source (i.e., by prioritizing, the user can hear communications from a particular team while still hear communications from other team – see Koehler: 0019).

Regarding **claim 25**, the combination of Koehler and Bearden further teaches that a portable user interface and wherein the receiver is configured to receive a plurality of multiplexed video

signals, on of the multiplexed video signals being selected using the user interface (selecting the received video channels via user interface - see Koehler: 0026 and col. 9, lines 34-38 and col. 22, lines 60-68).

Regarding **claim 26**, the combination of Koehler and Bearden further teaches that the event is an automobile race and the plurality of video signals provide video content from live on-track video camera and a pit crew video camera (see Koehler: figure 1 and 0027).

Regarding **claim 27**, the combination of Koehler and Bearden teaches that a user interface configured to allow the user to select intermittently images representing said video content for display by the display (i.e., selecting one or more views from car views for display – see Koehler: 0027).

Regarding **claim 28**, the combination of Koehler and Bearden teaches that the video content includes video content intermittent images of the event (video content includes the views of auto race – see Koehler: 0015, 0027).

Regarding **claim 29**, the combination of Koehler and Bearden teaches that a user interface configured to control operation of said signal processing logic such that the user away from the event while intermittently viewing images defining said video content (see Koehler: figure 1; 0015, 0027; Bearden: col. 4, lines 33-35 and 44-47; col. 2, lines 50-54).

Regarding **claim 30**, the combined teaching of Koehler and Bearden fails to teach a user interface configured to provide one touch operation. Official Notice is taken that a user interface comprising touch operation is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of the combined system of Koehler and Bearden by including a user interface comprising touch operation in order to allow the user operating the device in a convenient manner.

Regarding **claim 31**, the combined teaching of Koehler and Bearden fails to teach the display is a liquid crystal display. Official Notice is taken that LCD display is well known in the art. Therefore,

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it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of the combined system of Koehler and Bearden by including LCD display in order to display video or pictures with higher quality.

Regarding **claim 32**, Koehler teaches that the display comprises a plurality of screens (screen 104 and 110 – see Koehler: figures 4).

Regarding **claim 34**, Koehler teaches that the plurality of the sources provide a sideline view of said event and a spectator view of said event (providing television broadcaster's view of the race event and car views – see Koehler: 0027).

Regarding **claim 35**, the combination Koehler and Bearden teaches that the video content provides different images from the event, said signal processing logic allowing the user to select images for display on the display when the user is roaming about the event (Koehler: 0027; Bearden: col. 4, lines 33-35 and 44-47; col. 2, lines 50-54).

Regarding **claim 36**, Koehler discloses a portable handheld device (42), the device comprising a receiver (within 42) being configured to receive video content transmitted to the receiver, said video content being provided at a plurality of cameras located at said event (e.g., car views from cameras in cars 12-18 - see 0015, 0027), signal processing logic (within 42, e.g., microprocessor) configured for processing said image content to produce images (e.g., producing car views – see 0015, 0027); and a display being configured to display said images (see 0015, 0027); and a user interface (input device) for selecting at least one said images (e.g., car views) for viewing by a user on said display (see 0015, 0027).

Koehler does not teach that the device is a wireless device for wirelessly receiving data. However, Bearden teaches using a handheld device 20 that receives data wirelessly, e.g., radio or infrared connection, to present data to viewer. It is noted that using this device can be used at an event, e.g., sporting event or conference, while the viewer watching the event or attending

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the event. See col. 2, lines 50-54; col. 3, lines 61-64; col. 4, lines 33-35 and 44-47; col. 5, lines 16-36. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device 42 of Koehler by wirelessly receiving data while at the event and where the event is occurring, thereby permitting the viewer to carry the device about the event and choose where to view the data selected by user while roaming at the event during the event as taught by Bearden in order to provide convenience to the viewer for carrying and using the device as desired.

Regarding claim 37, Koehler teaches that the event is a sporting event (race event – figure 1).

Regarding claim 38, Koehler teaches that the event is played on a race track and one of the cameras is located on the race track (see figure 1).

Regarding claim 40, Koehler further teach that the event is a game played on a field and the video content received by the receiver includes a first image from a field sideline perspective of the game and a second image from a spectator perspective of the game, the signal processing logic allowing the user to select one of the first and second images (i.e., selecting one or more views from car views for display – see Koehler: 0027).

Regarding claim 41, the combination of Koehler and Bearden further teaches that the event occurs at a stadium and the handheld device is configured to operate at the stadium (Koehler: figure1; Bearden: col. 4, lines 33-35 and 44-47; col. 2, lines 50-54).

Regarding claim 42, Koehler teaches that device 42 receives video data from TV feed 67 or from TV feed 67 (see FIG. 1). Koehler further teaches that a user interface configured to allow the viewer to select video content for display by the display. See 0015 and 0027. The combination of Koehler and Bearden fails to teach video content originating at another event remote from the event that the user is attending live. Official Notice is taken that providing video content originating at

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another event remote from the event that the viewer is attending live such as news from television broadcaster is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Koehler and Bearden by providing video content originating at another event remote from the event that the viewer is attending live such as news from television broadcaster in order to enhance the system by providing different programs to viewer for viewing selectively.

Regarding claims **46 and 47**, the combination of Koehler and Bearden further teaches the feature of selecting video content and displaying the selected video content on the display (see Koehler: 0027).

Regarding claim **48**, the combination of Koehler and Bearden teaches that the receiver permits the user to roam away from the event while the display intermittently displays images defining by said selected video content (see Koehler: figure 1; 0015, 0027; Bearden: col. 4, lines 33-35 and 44-47; col. 2, lines 50-54).

Regarding claims **50, 51 and 53-59**, see rejection of claims 37, 38 and 40-45 and 48, respectively.

Regarding claims **61 and 62**, Koehler teaches that the receiver receives a plurality of multiplexed video signals carried over a carrier frequency (from television broadcaster - see Koehler: 0027).

Regarding claims **63 and 64**, Koehler teaches that the video content selected and displayed corresponds to a single camera wherein the user is able to view video content from the single video camera (a car view from a camera in a race car – see Koehler: 0027 and figure 1).

Regarding claims **65 and 66**, Koehler teaches that the display displays video content from a single one of the cameras in a continuous and uninterrupted manner until the user choose to select video content from another one of the cameras (the viewer can select a car view from a camera in a

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race car to be displayed in a continuous and uninterrupted manner until the viewer wants to select another car view captured by another camera in another race car – see Koehler: figure1 and 0027).

8. Claims 39 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koehler et al. (US 20010042105 A1) in view of Bearden, III et al. (US 6,347,301 B1) and further in view of Khosla (US 6,080,063 A).

Regarding claims **39 and 52**, the combined teachings of Koehler fail to show a camera located on a helmet of a player. However, Khosla discloses that participants in live event 100 wear helmet cameras which provide participant perspectives on live event 100 (see col. 4, lines 19-21). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combined system of Koehler and Bearden by including a camera located on a helmet of a player as disclosed by Khosla for capturing images from the player position within live event.

9. Claims 49 and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koehler et al. (US 20010042105 A1) in view of Bearden, III et al. (US 6,347,301 B1) and further in view of Perlman (US 6,125,259 A).

Regarding claims **49 and 60**, the combined teachings of Koehler and Bearden fail to show analyzing information received by the receiver for indicating whether the device is authorized to display a select image defined by the select video content. However, Perlman teaches the feature that when a particular channel is selected for reception, the microprocessor requests the authorization status of the selected channel from a scrambler module, and the microprocessor then determines if the selected channel is authorized for viewing. The authorization status of a particular channel may be selectively enabled by transmitting a suitable authorization code to the scrambler module (see col. 10, lines 12-32). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combined system of the combined teachings of

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Koehler and Bearden by including a module to analyze the received authorization code indicating authorization status for viewing a selected channel as taught by Perlman in order to ensure the authorized viewer to view the channel for security purposes.

10. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Koehler et al. (US 20010042105 A1) in view of Bearden, III et al. (US 6,347,301 B1) and further in view of Rallison et al. (US 5,903,395 A).

Regarding **claim 33**, the combination of Busack, Barstow, and Koehler does not teach that device comprises a shroud substantially surrounding said display. However, Rallison teaches that a display device comprises a shroud 112 surrounding a display (see col. 8, lines 8-10 and figures 1-5). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of the combined teachings of Koehler and Bearden by including a shroud surrounding a display as taught by Rallison in order to block stray light and hold and align of various components of the device.

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11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc K. Vu whose telephone number is 571-272-7306. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ngoc Vu/
NGOC K. VU
PRIMARY EXAMINER
Art Unit 2623

August 20, 2007